

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
v.) CRIMINAL NO. 04-10090-WGY
)
MICHAEL WHITMORE)
)

MOTION FOR LEAVE TO FILE
SUBSTITUTE MOTION TO SUPPRESS EVIDENCE
AND INCORPORATED MEMORANDUM OF LAW

Now comes the defendant, through counsel, and moves this Honorable Court to permit him to file a substitute motion to suppress evidence with an incorporated memorandum of law in place of the previously-filed motion and memorandum. In support of this motion the defendant states that the previous motion and memorandum did not sufficiently explain the basis of the defendant's Fourth Amendment claim based on *Terry v. Ohio*, 392 U.S. 1 (1968).

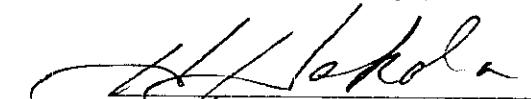
Respectfully submitted,



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CERTIFICATE OF SERVICE

I, Harold H. Hakala, counsel for the Defendant, hereby certify that I have served John A. Capin, Assistant U.S. Attorney, with a copy of the foregoing Motion for Leave to File Substitute Motion to Suppress and Incorporated Memorandum of Law this 21st day of July, 2004, in hand.



Harold H. Hakala